

From: Dave
To: Microsoft ATR
Date: 1/28/02 3:14pm
Subject: Microsoft Settlement

I am writing in the hope that my thoughts and concerns may be heard by the court of Judge Colleen Kotar-Kelley. I'll be brief.

The settlement, as proposed by the DOJ, the accepting states and Microsoft is fair to all concerned and the general in public. This case has only minimally been about consumer protection from a monopoly and has largely been about protecting the interests of a very few, large corporate and government interests to make sure that their brand of technology isn't usurped by vendors like Microsoft who work to find unique technologies and incorporate them into a coherent, useable form for large numbers of people to benefit from the technologies use. In regard to this competition, the proposed settlement is very fair, for two of it's primary stipulations, in my mind. The first is that OEM's are assured that Microsoft can not take retribution on the OEM's if the OEM's decide they find one technology more compelling than a Microsoft technology. It also provides the means for Microsoft's competitors to find out about underlying interfaces into it's applications and operating systems, by allowing the sharing of specific technology information, but which does so, in a controlled atmosphere that protects Microsoft's rights to it's intellectual property.

This is the most important reason to accept this proposal. It DOES protect the intellectual capital of this company without the wholesale rape and plunder of it's most important technological secrets. In a communist/socialist system, one would expect that the details of how a successful business is operated would be viewed in extreme detail without any regard for the rights of those individuals who have worked so hard to make that company a success. But this is America. Organizations and individuals in our society have the right to protect and keep private the fruits of their hard work and share those fruits with others in a way that rewards those who worked to create those fruits. Microsoft's competitors, including the states who are objecting to this settlement (these states also have compelling interests on the behalf of Microsoft's competitors in my humble opinion) care not about competition, but how to get as much intellectual property as possible and eliminate Microsoft as a threat to their very profitable franchises which are far from affordable for the average consumer (which is what they keep telling us this is all about, that this is for Jane and Joe consumer).

Finally, I am not surprised, even in the light of all the stuff that has gone on at ENRON, that the loss of billions of dollars from investor funds (holding Microsoft stock) is not a big deal to our government leaders because of all the money that state and federal representatives hope to acquire from a major shake up of Microsoft, and because their corporate benefactors (IBM, SUN, AOL/TimeWarner, et. al) will benefit from a coup in obtaining Microsoft's intellectual property. ENRON is a big deal, because so many government leaders had there hands involved in that organization in so many ways. Microsoft is, on the other hand, not a big deal to the government and needs to be done away with, because rather than spend a lot of time throwing money at congressional leaders and lobbying congress, Microsoft went about it's business. Microsoft did do and still does an excellent job of finding the best and the brightest talent to become one of the best marketing and technology companies in the world. If you really want to find out about competition, then why don't you go out and compare a Microsoft solution, to that of one of it's competitors (IBM, SUN, AOL/TimeWarner, Linux or other OS/Application variants) and evaluate on all facets (up front costs, consulting needs, ongoing support, etc), and you will see that if more draconian remedies are pushed upon Microsoft that the high prices already charged by these Microsoft competitors will do everything except become more competitive.

Thank you for your time and consideration!

David J. Renner